

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re Application of: Ashkenazi et al. Serial No.: 09/918,585 Filed: July 30, 2001 For: <i>Secreted and Transmembrane Polypeptides and Nucleic Acids Encoding the Same</i> | Group Art Unit: 1647 Examiner: Not yet assigned |
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**DECLARATION OF MARK T. KRESNAK REGARDING THE REFUSAL OF INVENTOR
NICHOLAS F. PAONI TO SIGN DOCUMENTS UNDER MPEP §§ 151 AND 409.03(d)**

Assistant Commissioner of Patents
 ATTN: Licensing and Review
 Washington, D.C. 20231

Sir:

I, MARK T. KRESNAK, hereby declare as follows:

1. I am a patent attorney employed by the assignee of the above captioned patent application (and all continuations, divisionals and continuation-in-part applications thereof), Genentech, Inc., 1 DNA Way, South San Francisco, California 94080.
2. I have a power of attorney in the above captioned patent application (and all continuations, divisionals and continuation-in-part applications thereof) and am authorized to sign documents related to the prosecution of these patent applications on behalf of the assignee, Genentech, Inc.
3. In response to U.S. Patent Office notices requiring the submission by Applicants of a Property Rights Statement to the DOE and/or NASA under 42 U.S.C. §§ 2182 and 2457 in the above captioned patent application and/or certain other related patent applications, I prepared such a Property Rights Statement and forwarded copies thereof to each of the inventors of the above captioned patent application (and all continuations, divisionals and continuation-in-part application thereof) for execution.

4. One of the inventors to whom this statement was forwarded is Nicholas F. Paoni. The statement was sent to Mr. Paoni at his current address which is 51365 Amesbury Way, Granger, Indiana 46530.

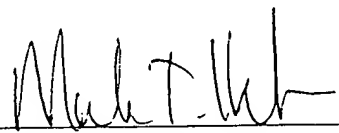
5. Nicholas F. Paoni was named as an inventor in the above captioned patent application (and all continuations, divisionals and continuation-in-part application thereof) based upon work he performed while employed by the current assignee, Genentech, Inc. Mr. Paoni's employment with Genentech, Inc. was terminated on September 19, 2001 and he is no longer employed by Genentech, Inc.

6. Since Mr. Paoni's employment with Genentech, Inc. was terminated, Mr. Paoni has expressed to me an unwillingness to sign any documents related to the prosecution of Genentech, Inc. patent application on which he is a named inventor.

7. Based upon this unwillingness to sign documents related to Genentech, Inc. patent applications on which he is a named inventor, Mr. Paoni has refused to execute the Property Rights Statement to the DOE and/or NASA under 42 U.S.C. §§ 2182 and 2457 referenced above. As such, the Property Rights Statement to the DOE and/or NASA under 42 U.S.C. §§ 2182 and 2457 submitted herewith is executed by all of the named joint inventors except for Nicholas F. Paoni.

8. I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that all such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 10-8-02

Signed: 
Mark T. Kresnak, Ph.D.
Section Patent Counsel
Genentech, Inc.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | |
|---|----------------------------|
| In re Application of: | Group Art Unit: 1647 |
| Ashkenazi et al. | Examiner: Not yet assigned |
| Serial No.: 09/918,585 | |
| Filed: July 30, 2001 | |
| For: <i>Secreted and Transmembrane Polypeptides and Nucleic Acids Encoding the Same</i> | |

**PROPERTY RIGHTS STATEMENT TO DOE AND/OR NASA (42 U.S.C. §§ 2182 and 2457) -
INVENTORS EMPLOYED BY AN ORGANIZATION**

Assistant Commissioner of Patents
ATTN: Licensing and Review
Washington, D.C. 20231

RECEIVED
OCT 15 2002
LICENSING & REVIEW

Sir:

We, as joint inventors named in the above captioned patent application and the continuation applications of the above captioned patent application as listed on the herewith attached Appendix A, hereby declare with respect to the invention(s) described and claimed in the above captioned patent application and in the continuation applications of the above captioned patent application as listed on the herewith attached Appendix A that:

1. We made and conceived (a) the invention described and claimed in the above captioned U.S. patent application Serial No. 09/918,585 filed in the United States of America on July 30, 2001 and entitled "Secreted and Transmembrane Polypeptides and Nucleic Acids Encoding the Same" and (b) the invention(s) described and claimed in the continuation applications of the above captioned patent application as listed on the herewith attached Appendix A (henceforth the "Inventions");

2. We made and conceived these Inventions while employed by Genentech, Inc., 1 DNA Way, South San Francisco, California, 94080;

Okay w/ transmittal letter
and attorney Declaration

Serial No.: 09/918,585

Filed: July 30, 2001

3. These invention(s) are related to the work we are employed to perform (or were employed to perform, if no longer employed by Genentech, Inc.) and were made within the scope of our employment duties; that these inventions were made during working hours and with the use of facilities, equipment, materials, funds, information and services of Genentech, Inc.;

4. To the best of our knowledge and belief, these Inventions were not made or conceived in the course of, or in connection with, or under the terms of any contract, subcontract or arrangement entered into with or for the benefit of the United States Atomic Energy Commission or its successors: Energy Research and Development Administration or the Department of Energy;

5. To the best of our knowledge and belief, these Inventions were not made (conceived or first actually reduced to practice) under, nor is there any relationship of these Inventions to the performance of any work under any contract of the National Aeronautics and Space Administration;

6. We declare further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that all such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of first inventor

Avi Ashkenazi

1456 Tarrytown Street, San Mateo, CA 94402

Citizenship: US

Inventor's signature: Avi Ashkenazi

Date: 9/5/02

Full name of second joint inventor

Kevin P. Baker

14006 Indian Run Drive, Darnestown, MD 20878

Citizenship: GB

Inventor's signature: _____

Date: _____

Serial No.: 09/918,585

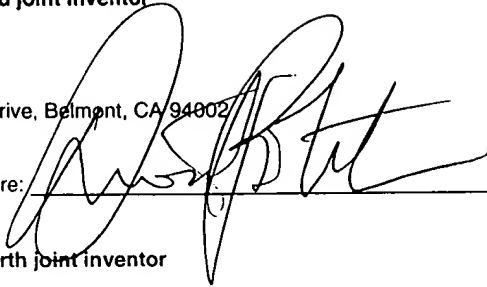
Filed: July 30, 2001

Full name of third joint inventor

David Botstein

2539 Somerset Drive, Belmont, CA 94002

Citizenship: US

Inventor's signature: 

Date: 9-4-02

Full name of fourth joint inventor

Luc Desnoyers

2050 Stockton Street, San Francisco, CA 94133

Citizenship: CA

Inventor's signature: _____

Date: _____

Full name of fifth joint inventor

Dan L. Eaton

45 Inverness Drive, San Rafael, CA 94901

Citizenship: US

Inventor's signature: _____

Date: _____

Full name of sixth joint inventor

Napoleone Ferrara

2090 Pacific Avenue #704, San Francisco, CA 94109

Citizenship: US

Inventor's signature: _____

Date: _____

Full name of seventh joint inventor

Ellen Filvaroff

538 18th Avenue, San Francisco, CA 94121

Citizenship: US

Inventor's signature: _____

Date: _____

Full name of eighth joint inventor

Sherman Fong

19 Basinside Way, Alameda, CA 94502

Citizenship: US

Inventor's signature: _____

Date: _____

Serial No.: 09/918,585

Filed: July 30, 2001

Full name of third joint inventor

David Botstein

2539 Somerset Drive, Belmont, CA 94002

Citizenship: US

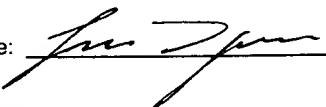
Inventor's signature: _____ Date: _____

Full name of fourth joint inventor

Luc Desnoyers

2050 Stockton Street, San Francisco, CA 94133

Citizenship: CA

Inventor's signature:  Date: 09.19.2002

Full name of fifth joint inventor

Dan L. Eaton

45 Inverness Drive, San Rafael, CA 94901

Citizenship: US

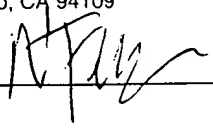
Inventor's signature: _____ Date: _____

Full name of sixth joint inventor

Napoleone Ferrara

2090 Pacific Avenue #704, San Francisco, CA 94109

Citizenship: US

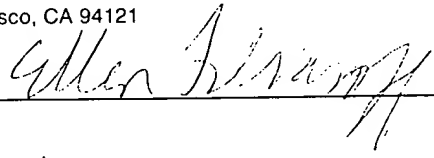
Inventor's signature:  Date: 9-5-02

Full name of seventh joint inventor

Ellen Filvaroff

538 18th Avenue, San Francisco, CA 94121

Citizenship: US

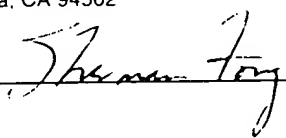
Inventor's signature:  Date: 9.19.02

Full name of eighth joint inventor

Sherman Fong

19 Basinside Way, Alameda, CA 94502

Citizenship: US

Inventor's signature:  Date: 9.23.02

Serial No.: 09/918,585

Filed: July 30, 2001

Full name of third joint inventor

David Botstein

2539 Somerset Drive, Belmont, CA 94002

Citizenship: US

Inventor's signature: _____ Date: _____

Full name of fourth joint inventor

Luc Desnoyers

2050 Stockton Street, San Francisco, CA 94133

Citizenship: CA

Inventor's signature: _____ Date: _____

Full name of fifth joint inventor

Dan L. Eaton

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Full name of sixth joint inventor

Napoleone Ferrara

2090 Pacific Avenue #704, San Francisco, CA 94109

Citizenship: US

Inventor's signature: _____ Date: _____

Full name of seventh joint inventor

Ellen Filvaroff

538 18th Avenue, San Francisco, CA 94121

Citizenship: US

Inventor's signature: _____ Date: _____

Full name of eighth joint inventor

Sherman Fong

19 Basinside Way, Alameda, CA 94502

Citizenship: US

Inventor's signature: _____ Date: _____

Serial No.: 09/918,585

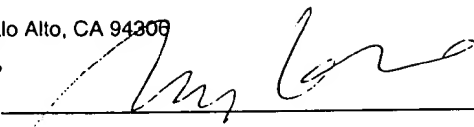
Filed: July 30, 2001

Full name of ninth joint inventor

Wei-Qiang Gao

3025 South Court, Palo Alto, CA 94306

Citizenship: ~~CH~~ US

Inventor's signature: 

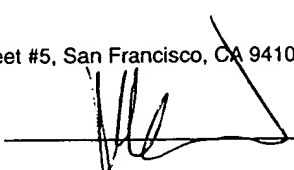
Date: 9-19-2007

Full name of tenth joint inventor

Hanspeter Gerber

1121 Tennessee Street #5, San Francisco, CA 94107

Citizenship: CH

Inventor's signature: 

Date: 9-15-2002

Full name of eleventh joint inventor

Mary E. Gerritsen

541 Parrott Drive, San Mateo, CA 94402

Citizenship: CA

Inventor's signature: _____

Date: _____

Full name of twelfth joint inventor

Audrey Goddard

110 Congo Street, San Francisco, CA 94131

Citizenship: CA

Inventor's signature: _____

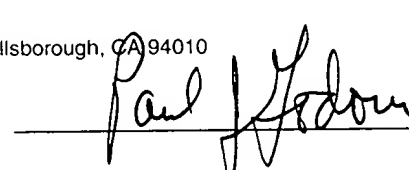
Date: _____

Full name of thirteenth joint inventor

Paul J. Godowski

25 Orange Court, Hillsborough, CA 94010

Citizenship: US

Inventor's signature: 

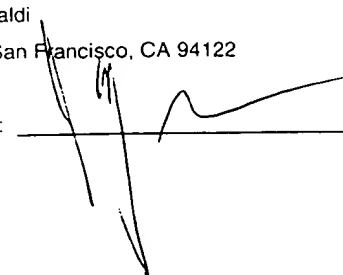
Date: 9/20/01

Full name of fourteenth joint inventor

J. Christopher Grimaldi

1434 36th Avenue, San Francisco, CA 94122

Citizenship: US

Inventor's signature: 

Date: 9/20/02

Serial No.: 09/918,585

Filed: July 30, 2001

Full name of ninth joint inventor

Wei-Qiang Gao

3025 South Court, Palo Alto, CA 94306

Citizenship: CN

Inventor's signature: _____

Date: _____

Full name of tenth joint inventor

Hanspeter Gerber

1121 Tennessee Street #5, San Francisco, CA 94107

Citizenship: CH

Inventor's signature: _____

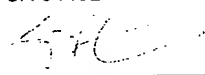
Date: _____

Full name of eleventh joint inventor

Mary E. Gerritsen

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Citizenship: CA

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Date: Sept 5/02

Full name of twelfth joint inventor

Audrey Goddard

110 Congo Street, San Francisco, CA 94131

Citizenship: CA

Inventor's signature: _____

Date: _____

Full name of thirteenth joint inventor

Paul J. Godowski

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Citizenship: US

Inventor's signature: _____

Date: _____

Full name of fourteenth joint inventor

J. Christopher Grimaldi

1434 36th Avenue, San Francisco, CA 94122

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Inventor's signature: _____

Date: _____

Serial No.: 09/918,585

Filed: July 30, 2001

Full name of ninth joint inventor

Wei-Qiang Gao

3025 South Court, Palo Alto, CA 94306

Citizenship: CN

Inventor's signature: _____

Date: _____

Full name of tenth joint inventor

Hanspeter Gerber

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Citizenship: CH

Inventor's signature: _____

Date: _____

Full name of eleventh joint inventor

Mary E. Gerritsen

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Citizenship: CA

Inventor's signature: _____

Date: _____

Full name of twelfth joint inventor

Audrey Goddard

110 Congo Street, San Francisco, CA 94131

Citizenship: CA

Inventor's signature: *A. Goddard*

Date: *Sept. 4, 2002*

Full name of thirteenth joint inventor

Paul J. Godowski

25 Orange Court, Hillsborough, CA 94010

Citizenship: US

Inventor's signature: _____

Date: _____

Full name of fourteenth joint inventor

J. Christopher Grimaldi

1434 36th Avenue, San Francisco, CA 94122

Citizenship: US

Inventor's signature: _____

Date: _____

Serial No.: 09/918,585


Filed: July 30, 2001

Full name of fifteenth joint inventor

Austin L. Gurney

1 Debbie Lane, Belmont, CA 94002

Citizenship: US

Inventor's signature: 

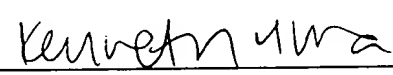
Date: 9/18/01

Full name of sixteenth joint inventor

Kenneth J. Hillan

64 Seward Street, San Francisco, CA 94114

Citizenship: GB

Inventor's signature: 

Date: 9/23/01

Full name of seventeenth joint inventor

Ivar J. Kljavin

811 Dell Road, Pacifica, CA 94044

Citizenship: US

Inventor's signature: _____

Date: _____

Full name of eighteenth joint inventor

Sophia S. Kuo

59 Surrey Street #3, San Francisco, CA 94131

Citizenship: US

Inventor's signature: _____

Date: _____

Full name of nineteenth joint inventor

Mary A. Napier

1015 Hayne Road, Hillsborough, CA 94010

Citizenship: US

Inventor's signature: _____

Date: _____

Full name of twentieth joint inventor

James Pan

14 Tewsley Place, Zitobicoke, ONT M9P 1N7

Citizenship: CA

Inventor's signature: _____

Date: _____

Serial No.: 09/918,585

Filed: July 30, 2001

Full name of fifteenth joint inventor

Austin L. Gurney

1 Debbie Lane, Belmont, CA 94002

Citizenship: US

Inventor's signature: _____

Date: _____

Full name of sixteenth joint inventor

Kenneth J. Hillan

64 Seward Street, San Francisco, CA 94114

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Date: _____

Full name of seventeenth joint inventor

Ivar J. Kljavin

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Inventor's signature:  _____

Date: 09-12-02

Full name of eighteenth joint inventor

Sophia S. Kuo

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Inventor's signature: _____

Date: _____

Full name of nineteenth joint inventor

Mary A. Napier

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Date: _____

Full name of twentieth joint inventor

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Serial No.: 09/918,585

Filed: July 30, 2001

Full name of fifteenth joint inventor

Austin L. Gurney

1 Debbie Lane, Belmont, CA 94002

Citizenship: US

Inventor's signature: _____

Date: _____

Full name of sixteenth joint inventor

Kenneth J. Hillan

64 Seward Street, San Francisco, CA 94114

Citizenship: GB

Inventor's signature: _____

Date: _____

Full name of seventeenth joint inventor

Ivar J. Kljavin

811 Dell Road, Pacifica, CA 94044

Citizenship: US

Inventor's signature: _____

Date: _____

Full name of eighteenth joint inventor

Sophia S. Kuo

59 Surrey Street #3, San Francisco, CA 94131

Citizenship: US

Inventor's signature: *Sophia S. Kuo*

Date: 12 Sept 2002

Full name of nineteenth joint inventor

Mary A. Napier

1015 Hayne Road, Hillsborough, CA 94010

Citizenship: US

Inventor's signature: _____

Date: _____

Full name of twentieth joint inventor

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Citizenship: CA

Inventor's signature: _____

Date: _____

Serial No.: 09/918,585

Filed: July 30, 2001

Full name of fifteenth joint inventor

Austin L. Gurney

1 Debbie Lane, Belmont, CA 94002

Citizenship: US

Inventor's signature: _____

Date: _____

Full name of sixteenth joint inventor

Kenneth J. Hillan

64 Seward Street, San Francisco, CA 94114

Citizenship: GB

Inventor's signature: _____

Date: _____

Full name of seventeenth joint inventor

Ivar J. Kljavin

811 Dell Road, Pacifica, CA 94044

Citizenship: US

Inventor's signature: _____

Date: _____

Full name of eighteenth joint inventor

Sophia S. Kuo

59 Surrey Street #3, San Francisco, CA 94131

Citizenship: US

Inventor's signature: _____

Date: _____

Full name of nineteenth joint inventor

Mary A. Napier

1015 Hayne Road, Hillsborough, CA 94010

Citizenship: US

Inventor's signature: Mary A Napier

Date: Sept 6, 2002

Full name of twentieth joint inventor

James Pan

14 Tewsley Place, Zitobicoke, ONT M9P 1N7

Citizenship: CA

Inventor's signature: _____

Date: _____

Serial No.: 09/918,585

Filed: July 30, 2001

Full name of fifteenth joint inventor

Austin L. Gurney

1 Debbie Lane, Belmont, CA 94002

Citizenship: US

Inventor's signature: _____

Date: _____

Full name of sixteenth joint inventor

Kenneth J. Hillan

64 Seward Street, San Francisco, CA 94114

Citizenship: GB

Inventor's signature: _____

Date: _____

Full name of seventeenth joint inventor

Ivar J. Kljavin

811 Dell Road, Pacifica, CA 94044

Citizenship: US

Inventor's signature: _____

Date: _____

Full name of eighteenth joint inventor

Sophia S. Kuo

59 Surrey Street #3, San Francisco, CA 94131

Citizenship: US

Inventor's signature: _____

Date: _____

Full name of nineteenth joint inventor

Mary A. Napier

1015 Hayne Road, Hillsborough, CA 94010

Citizenship: US

Inventor's signature: _____

Date: _____

Full name of twentieth joint inventor

James Pan

14 Tewsley Place, Zitobicoke, ONT M9P 1N7

Citizenship: CA

Inventor's signature: _____

Date: Sept 6/02

Serial No.: 09/918,585

Filed: July 30, 2001

Full name of twenty-first joint inventor

Nicholas F. Paoni

51365 Amesbury Way, Granger, IN 46530

Citizenship: US

Inventor's signature: _____

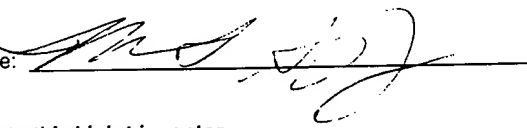
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Full name of twenty-second joint inventor

Margaret Ann Roy

2960 Webster Street #4, San Francisco, CA 94123

Citizenship: US

Inventor's signature: _____

Date: 10 Sept 2002

Full name of twenty-third joint inventor

David L. Shelton

5845 Clover Drive, Oakland, CA 94618

Citizenship: US

Inventor's signature: _____

Date: _____

Full name of twenty-fourth joint inventor

Timothy A. Stewart

465 Douglass Street, San Francisco, CA 94114

Citizenship: US

Inventor's signature: _____

Date: _____

Full name of twenty-fifth joint inventor

Daniel Tumas

3 Rae Avenue, Orinda, CA 94563

Citizenship: US

Inventor's signature: _____

Date: _____

Full name of twenty-sixth joint inventor

P. Mickey Williams

509 Alto Avenue, Half Moon Bay, CA 94019

Citizenship: US

Inventor's signature: _____

Date: _____

Serial No.: 09/918,585
Filed: July 30, 2001

Full name of twenty-first joint inventor

Nicholas F. Paoni

51365 Amesbury Way, Granger, IN 46530

Citizenship: US

Inventor's signature: _____

Date: _____

Full name of twenty-second joint inventor

Margaret Ann Roy

2960 Webster Street #4, San Francisco, CA 94123

Citizenship: US

Inventor's signature: _____

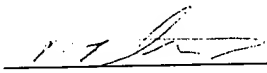
Date: _____

Full name of twenty-third joint inventor

David L. Shelton

5845 Clover Drive, Oakland, CA 94618

Citizenship: US

Inventor's signature:  _____

Date: 7-16-02

Full name of twenty-fourth joint inventor

Timothy A. Stewart

465 Douglass Street, San Francisco, CA 94114

Citizenship: US

Inventor's signature: _____

Date: _____

Full name of twenty-fifth joint inventor

Daniel Tumas

3 Rae Avenue, Orinda, CA 94563

Citizenship: US

Inventor's signature: _____

Date: _____

Full name of twenty-sixth joint inventor

P. Mickey Williams

509 Alto Avenue, Half Moon Bay, CA 94019

Citizenship: US

Inventor's signature: _____

Date: _____

Serial No.: 09/918,585

Filed: July 30, 2001

Full name of twenty-first joint inventor

Nicholas F. Paoni

51365 Amesbury Way, Granger, IN 46530

Citizenship: US

Inventor's signature: _____

Date: _____

Full name of twenty-second joint inventor

Margaret Ann Roy

2960 Webster Street #4, San Francisco, CA 94123

Citizenship: US

Inventor's signature: _____

Date: _____

Full name of twenty-third joint inventor

David L. Shelton

5845 Clover Drive, Oakland, CA 94618

Citizenship: US

Inventor's signature: _____

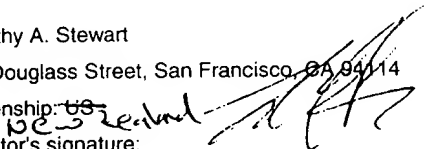
Date: _____

Full name of twenty-fourth joint inventor

Timothy A. Stewart

465 Douglass Street, San Francisco, CA 94114

Citizenship: US

Inventor's signature:  _____

Date: 9/20/02

Full name of twenty-fifth joint inventor

Daniel Tumas

3 Rae Avenue, Orinda, CA 94563

Citizenship: US

Inventor's signature: _____

Date: _____

Full name of twenty-sixth joint inventor

P. Mickey Williams

509 Alto Avenue, Half Moon Bay, CA 94019

Citizenship: US

Inventor's signature: _____

Date: _____

Serial No.: 09/918,585

Filed: July 30, 2001

Full name of twenty-first joint inventor

Nicholas F. Paoni

51365 Amesbury Way, Granger, IN 46530

Citizenship: US

Inventor's signature: _____

Date: _____

Full name of twenty-second joint inventor

Margaret Ann Roy

2960 Webster Street #4, San Francisco, CA 94123

Citizenship: US

Inventor's signature: _____

Date: _____

Full name of twenty-third joint inventor

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5845 Clover Drive, Oakland, CA 94618

Citizenship: US

Inventor's signature: _____

Date: _____

Full name of twenty-fourth joint inventor

Timothy A. Stewart

465 Douglass Street, San Francisco, CA 94114

Citizenship: US

Inventor's signature: _____


Date: _____

Full name of twenty-fifth joint inventor

Daniel Tumas

3 Rae Avenue, Orinda, CA 94563

Citizenship: US

Inventor's signature:  _____

Date: 9/4/2001

Full name of twenty-sixth joint inventor

P. Mickey Williams

509 Alto Avenue, Half Moon Bay, CA 94019

Citizenship: US

Inventor's signature: _____

Date: _____

Serial No.: 09/918,585

Filed: July 30, 2001

Full name of twenty-first joint inventor

Nicholas F. Paoni

51365 Amesbury Way, Granger, IN 46530

Citizenship: US

Inventor's signature: _____

Date: _____

Full name of twenty-second joint inventor

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Date: _____

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Date: _____

Full name of twenty-fourth joint inventor

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Inventor's signature: _____

Date: _____

Full name of twenty-fifth joint inventor

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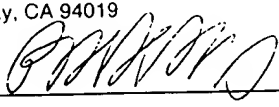
Date: _____

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Date: 7/6/02

Serial No.: 09/918,585

Filed: July 30, 2001

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Inventor's signature:

William I. Wood

Date: 9/1/01

APPENDIX A

| Application No. | Application Date | File No |
|-----------------|------------------|------------|
| 09/978194 | 15Oct2001 | P2630P1C10 |
| 09/978295 | 15Oct2001 | P2630P1C11 |
| 09/981915 | 16Oct2001 | P2630P1C12 |
| 09/978544 | 16Oct2001 | P2630P1C13 |
| 09/978824 | 16Oct2001 | P2630P1C14 |
| 09/978585 | 16Oct2001 | P2630P1C15 |
| 09/978643 | 16Oct2001 | P2630P1C16 |
| 09/978403 | 16Oct2001 | P2630P1C17 |
| 09/978681 | 16Oct2001 | P2630P1C18 |
| 09/978665 | 16Oct2001 | P2630P1C19 |
| 09/978298 | 15Oct2001 | P2630P1C2 |
| 09/978802 | 16Oct2001 | P2630P1C20 |
| 09/978423 | 16Oct2001 | P2630P1C21 |
| 09/978608 | 16Oct2001 | P2630P1C22 |
| 09/978912 | 16Oct2001 | P2630P1C23 |
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| 10/165038 | 19Oct2001 | P2630P1C29 |
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| 10/145016 | 18Oct2001 | P2630P1C52 |
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| Application No. | Application Date | File No |
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